

09-103.02

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

G INVESTORS HOLDING LLC as
successors in interest to STEPHEN CARB
AS TRUSTEE OF LOLLYTOGS, INC. TRUST,

Plaintiff,

-against-

LINCOLN BENEFIT LIFE COMPANY, INC.

Defendant.

09 CIV 2980 ALC KNF

NOTICE OF MOTION

PLEASE TAKE NOTICE that Plaintiff, G INVESTORS HOLDING, LLC as successors in interest to STEPHEN CARB AS TRUSTEE OF LOLLYTOGS, INC. TRUST, files this motion for an Order: a) pursuant to Fed. R. Civ. P. 12 (b) (3), dismissing the recently commenced Delaware District Court Action, *Lincoln Benefit Life Company Inc. v. G Investors Holdings LLC*, Civil Action No. 12-730 LPS, or, in the alternative, for a stay of all proceedings in the Delaware District Court pending the trial of the instant action which is scheduled for October 29, 2012; b) pursuant to Fed. R. Civ. P. 15 (a) (2), for leave to amend the Complaint to include a cause of action sounding in breach of contract due to Defendant's refusal to pay the death benefit due and owing under the policies which are the subject of the instant action; and c) pursuant to Fed R. Civ. P. 56, granting partial summary judgment by declaring that Defendant is liable to Plaintiff for the undisputed amount due under the policies' death benefits which became due and owing on May 20, 2012 upon the death of the insured.

Pursuant to the Court's Order, Plaintiffs must serve and file its papers in support of its motion by July 20, 2012. Defendant must serve and file any opposition papers by August 2, 2012, and Plaintiffs must serve and file any reply papers by August 9, 2012.

Dated: July 20, 2012

WEG AND MYERS, P.C.
Attorneys for Plaintiff

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Docket No 09-CV 2980 ALC KNF

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STEPHEN CARB AS TRUSTEE OF LOLLYTOGS,
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Plaintiff,

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Defendant.

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Weg and Myers, P.C.

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